

**REMARKS/ARGUMENTS****35 USC § 112, Second Paragraph**

Claims 1-20 were rejected under 35 USC § 112 second paragraph as being indefinite for various reasons, including reciting the terms "an oxidizable compound", and "electrophilic compound", "an electron donating group", "a complex", and "a second stability towards the oxidation".

The applicant respectfully disagrees, especially in view of his previous arguments, which have not been specifically addressed in the present office action. *Remarkably, the Office stated that the arguments would be moot in light of new grounds of rejection, but then asserts the same rejections as advanced in the previous Office action* (the applicant maintains his previous arguments, which are incorporated by reference herein). Clarification is respectfully required.

Furthermore, the Office held that claims 1, 3-5, 7-8, 14, and 17-20 would be "Reach-Through claims". The applicant again respectfully disagrees. A reach-through claim is a claim that seeks to patent downstream research products discovered or developed using a tool before the particular product has been identified (see *e.g.*, University of Rochester v. G.D. Searle, Inc., 00-CV-6161L (W.D. New York, March 5, 2003)). *Such scenario is clearly not the case as the subject matter of the present claims is based on actual observations and experiments that have corresponding description in the applicant's specification.* Nevertheless, and only to advance prosecution, the applicant amended the claims as suggested by the Office.

The claims as presently amended herein are directed to specific and defined compounds and the scope of the compounds in the claims should be readily ascertainable by a person of ordinary skill in the art. Therefore, and at least for these reasons, the rejections under 35 USC § 112, second paragraph, should be withdrawn.

In view of the present amendments and arguments, the applicant believes that all claims are now in condition for allowance. Therefore, the applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

~~RUTAN & TUCKER~~

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